



Practitioner's Docket No.: D-1218 R2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Jeffery Eastman, et al.**
Application No.: **10/796,792** **Group No.: 2876**
Filed: **03/09/2004**
For: **CASH DISPENSING AUTOMATED BANKING MACHINE
DEPOSIT ACCEPTING SYSTEM AND METHOD**

Mail Stop Missing Parts
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE
U.S. PATENT AND TRADEMARK OFFICE OF ITEM(S) CONSIDERED AS
OMITTED BY THE U.S. PATENT AND TRADEMARK OFFICE**

PETITION IN RESPONSE TO "NOTICE TO FILE MISSING PARTS" OF NONPROVISIONAL APPLICATION:

1. This is a Petition in response to the "Notice of Missing Parts of Nonprovisional Application" mailed for this Application 09/02/2004 ("Notice").

A copy of the Notice is enclosed.

2. Applicants assert that the items indicated as omitted were in fact deposited with the U.S. Patent and Trademark Office with the original application papers filed on March 9, 2004.

A courtesy copy of pages 2-3 of the Specification is enclosed.


CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

☐ deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to addressee in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 23rd day of September 2004.

☐ transmitted by facsimile to the U.S. Patent and Trademark Office.

EV473721631US
Express Mail No.


Ralph E. Joekle

3. Applicants hereby

- A. Petition under 37 C.F.R. § 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submit the petition fee under 37 C.F.R. § 1.17(h) and
- C. Submit the attached evidence of the deposit of the items in issue.

4. Fee Payment

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-0428.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

5. Request for Refund for Petition Fee under 37 C.F.R. § 1.53(e)

It is respectfully requested that, upon grant of the petition under 37 C.F.R. § 1.53(e), the petition fee be refunded by a credit to the deposit account authorized above.

Customer No. 28,995



Signature of Practitioner

Ralph E. Jocke Reg. No. 31,029

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ATTACHED IS EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED AS OMITTED IN THE NOTICE.



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**EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION
INDICATED AS OMITTED IN THE "NOTICE TO FILE MISSING PARTS"
OF NONPROVISIONAL APPLICATION**

In connection with the Notice dated September 3, 2004, applicants submit the following evidence that the items indicated as omitted were in fact deposited with the U.S. Patent and Trademark Office on March 9, 2004, which is the original date on which the papers for this application were deposited:

A photocopy of the date-stamped return post card receipt showing thereon that the item(s) indicated as omitted were in fact deposited.

The postcard shows that all pages of the Specification and all of the claims were received by the Office.

A postcard receipt which itemizes and properly identifies the items being filed serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. MPEP §503.

PLEASE PROVIDE FILING DATE AND
APPLICATION NO.:

Docket No.: D-1218 R2

Title: Cash Dispensing Automated Banking
Machine Deposit Accepting System and Method

Inventors: Eastman, et al.

Express Mail #: EV 382320109 US

Enclosures: Declaration

90 Specification Assignment

29 No. of Claims 14 Data Sheet

1 Abstract 4 Transmittal

68 Dwg. Sheets Non-Pub. Req.

 PTO 1595

22387 U.S. PTO

10/796792



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money orders, gift certificates, coupons, coin or other types of instruments. When deposit items are deposited in this manner the user is sometimes required to provide inputs through input devices on the banking machine indicative of the value associated with the item that is being deposited. Typically this is a total value of the cash, checks or other content within the deposited item. The automated banking machine may store the information about the indicated deposit value and/or may print value information on the deposited item along with a transaction number, account number or other information that allows the deposit to be traced back to a user and/or a particular transaction.

In order to verify the indicated deposit value, the operator of the banking machine often must later recover the deposit item from a storage area within the machine. The operator opens the deposit item and determines if the content and the actual deposit value thereof correspond to the indicated deposit value. In most cases the actual deposit value corresponds to the indicated deposit value and the customer's account is credited accordingly. In other instances a discrepancy is noted between the actual deposit value and the indicated deposit value. In such cases the customer may be notified as to the amount of credit that they will be given for the deposit instead of the indicated deposit value that was provided to the machine.

Sometimes when deposited items are removed from the banking machine, the items are damaged. Such damage may include for example a torn or otherwise open envelope. In some cases the deposit item or the remnants thereof may not contain any deposit content. In some cases the deposit content may be loose in the storage area in the banking machine. In other cases the content may not be found at all.

Deposited items are sometimes removed from the banking machine in a tamper indicating deposit holding container and are transported to a remote location for verification. In other situations the deposited items may be transferred to a bag or other container at the site of the automated banking machine. The items may be taken to a remote location for verification of the contents of the deposited items.

In some circumstances at the remote location the content of a damaged or open deposit item may not be found. This may present issues as to whether the customer may have deliberately deposited an empty and damaged envelope into the banking machine. Alternatively questions may arise as to whether the persons responsible for removing deposits from the machine may have wrongfully taken the deposit content. Finally questions may arise as to whether persons responsible for verifying the amount of the deposit may have lost or misappropriated the content of the deposit item. In some circumstances because responsibility for the missing content cannot be established, the operator of the ATM may choose to credit the customer for the indicated deposit value even though the deposit content has never been found. In some circumstances the user may be perpetrating a fraud by deliberately attempting to deposit a damaged deposit item.

Damage to deposit items may be caused by a number of factors. The inclusion of various types of deposit items such as envelopes containing folded notes or sheets or coins may result in irregularly shaped deposit items. The envelopes holding such items may be subject to tearing due to their irregular contours. The tearing of such irregular shaped envelope deposit items may further contribute to uncertainty as to the content of deposit envelopes.